

U.S. Patent Application Serial No. 10/658,209
Response dated December 1, 2008
Reply to Office Action mailed September 29, 2008

REMARKS

As stated in the previous responses, the Applicants respectfully solicit the Examiner's acknowledgement of the formal drawings filed on December 5, 2003 as acceptable (e.g., by checking box 10(a) on Form PTOL-326 or other indication). In the Office Action mailed March 13, 2007, the Examiner assigned to the case at that time incorrectly objected to the informal drawings filed with the application on September 10, 2003 and overlooked the formal drawings filed on December 5, 2003.

Claims 1-4, 6-9, 11, 12, 15-25, 27-30, 32, 33, 35, 36, 38-48, 50, 51, 53-62, 65 and 67-69 are pending. Claims 1, 6, 16, 22, 27, 35, 44, 47, 54 and 60 are independent. Applicant notes with appreciation the allowance of claims 6, 7, 15-21, 27, 28, 35, 36, 38-43, 47, 48, 53-62, 65 and 67-69.

Claim Rejections Under 35 U.S.C. §§ 102(e) and (103(a))

Claims 1-4, 8, 9, 11, 12, 22-25, 30, 32, 33, 43-46, 50 and 51 are rejected under 35 U.S.C. §102(e) as anticipated by Causey III et al. (U.S. Patent No. 6,558,320) or, in the alternative, under 35 U.S.C. §103(a) as obvious over Causey in view of Smith. (U.S. Patent No. 5,108,889) and Drinanet et al (U.S. Patent Application Publication 2002/0022773).

Applicants note that the Office Action mailed on September 29, 2008 does not set forth grounds for rejecting the claims as anticipated by Causey III. In the Office Action, the Examiner admits that Causey III does not state certain claim limitations and therefore relies on proposed modifications of Causey III using two additional references to purportedly teach the recited inventions. Thus, Applicants assume that the initial indication of a 35 U.S.C. §102(e) rejection in the Office Action mailed on September 29, 2008 was erroneously copied from the previous office action.

With regard to the 35 U.S.C. §103(a) rejection of independent claims 1, 22 and 44 set forth in the Office Action mailed on September 29, 2008, Applicants respectfully disagree with the Examiner's proposed use of Smith to modify Causey III. Claim 1 recites a first area

to display an average value or one of the constituent values used to generate the average, and a second area simultaneously displaying n indicators corresponding to the respective n constituent values. The Examiner admits that Causey III does not disclose a second display area as claimed, but his reliance on Smith fails to cure this deficiency. The scroll mode of Smith clearly only shows one value and its time and date at a time and not simultaneously displayed n indicators for n constituents of an average.

The Examiner therefore relies on Drinan et al to overcome this deficiency. The Examiner relies on the bars 30 and 32 depicted in Fig. 2 of Drinan (note: bars 30 are mislabeled 50 in Fig. 2 of Drinan et al) to purportedly teach n indicators for respective n constituent values of an average as recited in claim 1. Each bar 30 (labeled 50) that is labeled 1-7 in Fig. 2 of Drinan is described in paragraph [0034] of Drinan et al as itself being an average value for that period (e.g., 1 week) and not a constituent value. Bar 30 labeled as "8" is a current reading. Thus, a user cannot see the constituent values that make up the averages shown via bars 30 labeled 1-7 in Fig. 2 of Drinan et al, let alone know from simultaneously displayed n indicators which of a plurality of constituent values of an average is currently shown. Claim 1 recites displaying the n indicator that corresponds to the currently displayed constituent value differently from the other simultaneously displayed n indicators. Drinan et al does not teach this recitation. Accordingly, the proposed combination of Causey III, Smith and Drinan et al fails to render claim 1 obvious. For similar reasons, the proposed combination of Causey III, Smith and Drinan et al fails to render claims 22 and 44 obvious. Applicants therefore respectfully request withdrawal of the 35 U.S.C. §103(a) rejection of claims 1-4, 8, 9, 11, 12, 22-25, 30, 32, 33, 43-46, 50 and 51.

The rejection of claims 35, 36, 70 and 71 under 35 U.S.C. §103(a) as anticipated by Causey III et al in view of Smith, Drinan et al and further in view of Bortz (U.S. Published Patent Application No. 2003/0216628) also appears to be erroneous. Claims 70 and 71 were canceled in the previous response. Further, claim 35 was amended in the previous response to include the recitations of allowable claim 37; therefore, claims 35 and 36 recite what is indicated in the Office Action as defining over the art. Applicants therefore also respectfully request withdrawal of this ground for rejection.

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Conclusion

In view of the arguments set forth above, Applicant submits that the present application is in condition for allowance and would appreciate early notification of the same.

Invitation for a telephone interview

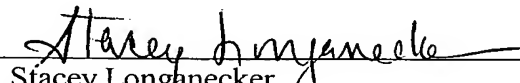
The Examiner is invited to call the undersigned at (202) 659-9076 if further issues remain with allowance of this case.

Deposit Account Authorization

Although no additional fee is believed due by submission of this paper, authorization is hereby made to charge any fees due or outstanding, or credit any overpayment, to Deposit Account No. **18-2220** (Order No. 45716).

Respectfully Submitted,

Dated: December 1, 2008


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